

REMARKS

Claims 2, 4, 5, 7, and 9-16 have been cancelled without prejudice to their assertion in a continuing applications. Claims 1, 3, 6, and 8 have been amended. The amendments to the claims are fully supported by the specification as originally filed.

Claims 1 and 3 have been amended to remove the non-elected subject matter. In particular, A was limited to O; W was limited to C_p where p is 0; R^b and R^c, and R^c and R^e may be connected by aromatic ring structures; and variables Ar¹ and Ar² were limited to thienyl and aryl rings. In addition, claim 1 has been amended to incorporate the limitations of claims 2, 4 and 5. Lastly, claim 3 has been amended to correct a minor typographical error. No new matter is added herein.

With these amendments, claims 1, 3, 6, and 8 are pending.

Rejections under 35 U.S.C. § 102(b)

A. Claims 1-8, 14 and 16 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Yuan et al., CAS: 112:139083. Applicants respectfully disagree.

Yuan discloses the preparation of compounds 13 and 14 (please see page 229). These compounds are prepared by reacting 1 equivalent of 8-hydroxyquinoline with 1 equivalent of butyl (4-fluorophenyl)(4-methoxyphenyl)borinate or butyl (4-fluorophenyl)(2-methoxyphenyl)borinate, respectfully. Thus Yuan uses 1 equivalent of butyl diarylborinate of formula III with 1 equivalent of the compound of formula II, wherein the aryl groups in butyl diarylborinate are different.

Applicants have amended claim 1 to recite the method comprising reacting 1 equivalent of methyl diarylborinate of

formula III with about 0.9 equivalents of the compound of formula II, wherein the aryl groups in methyl diarylborinate are the same. Therefore, amended claim 1 does not encompass the method of Yuan.

B. Claims 14 and 16 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Patel (US 5,348,948). Claims 14 and 16 have been cancelled, thereby obviating this rejection.

C. Claims 14 and 16 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Imazaki et al. (CAS: 133:144898); Torres et al. (CAS: 120:332485); Liu et al. (CAS: 115:219486); Yuan et al. (CAS: 109:54817); Yu et al. (CAS: 114:143497) and Rettig et al. (CAS: 81:128040). Claims 14 and 16 have been cancelled, thus obviating this rejection.

In light of the above, Applicants respectfully request reconsideration and withdrawal of the § 102 rejections.

Rejections under 35 U.S.C. § 103(a)

A. Claims 1-8, 14 and 16 stand rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Yuan et al., CAS: 112:139083. More specifically, the Office asserts that claims are obvious because Yuan discloses a method of preparing the compounds of formula I by reacting the compounds of formulae II and III. Applicants respectfully disagree.

Yuan discloses a two-step process for the preparation of the compound of formula III (please see compound 1 at page 227 of Yuan). First, Yuan treats the trimethylborate with one equivalent of metalloorganic reagent ($p\text{-FC}_6\text{H}_4\text{MgBr}$), followed by the treatment with acid (HCl) and $n\text{-BuOH}$ to obtain $p\text{-FC}_6\text{H}_4\text{B}(\text{OBu})_2$. In the second step, Yuan treats $p\text{-FC}_6\text{H}_4\text{B}(\text{OBu})_2$ with one equivalent of a different metalloorganic reagent ($p\text{-}$

MeOC₆H₄MgBr) to yield the final product, (p-FC₆H₄)(p-MeOC₆H₄)B(OBu). Thus, Yuan uses a two step process to prepare butyl diarylborate using two different metalloorganic reagents. Also, Yuan starts off with one type of alkylborate (trimethylborate) reagent, but ends up with a different type of alkylborate (butyl dialkylborate).

In contrast to Yuan, the claimed process employs a one-step method of making the compounds of formula III using one metalloorganic reagent. In addition, the process of making the compounds of formula III yields methyl diarylborate starting from trimethylborate (i.e. there is no conversion from one alkyl borate to another alkyl borate in the process).

Additionally, Applicants have amended claim 1 by inserting the limitations directed to preparation of methyl diarylborinate of formula III. In particular, methyl diarylborinate of formula III is prepared by reacting about 1 equivalent of trimethylborate with about 2 equivalents of metalloorganic reagent.

Therefore, the claimed method of preparing the compounds of formula I by reacting the compounds of formulae II and III is not *prima facie* obvious with respect to Yuan et al. Consequently, reconsideration and withdrawal of this rejection is therefore requested.

B. Claims 14 and 16 stand rejected under 35 U.S.C. § 102(b) for allegedly being obvious over Patel (US 5,348,948). Claims 14 and 16 have been cancelled, thereby obviating the rejection.

Claim Objections

Claims 1-8, 14 and 16 are objected to for containing non-elected subject matter. Applicants have cancelled claims 14 and 16, and removed the non-elected subject matter from claims 1-8.

Claim 3 is objected to for containing a typographical error "formula III". Applicants have replaced "formula III" with "formula II," as suggested by the examiner.

CONCLUSION

Allowance of the claims and passage of the case to issue are respectfully solicited. The Applicants urge the Examiner to contact the Applicants' undersigned representative at (312) 913-2114, if the Examiner believes that a discussion would expedite prosecution of this application.

Respectfully submitted,

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